

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 93006

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-049-93.

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

**Environmental
Commission**

Classification [] Proposed [] Adopted By Agency [XX] Temporary [] Emergency []

Brief description of action: Petition 93006 (LCB R-049-93) is a permanent amendment to NAC 459.9718. The petition exempts public utilities from the requirements of the Consultant Certification program in instances where they are responding to incidents at the request of a public entity or in providing utility service to their customers.

Authority citation other than 233B: NRS 459.500 and 459.535

Notice date:

Temporary - April 20, May 6, May 17 and May 19, 1993.

Permanent - August 24, September 8 and September 16, 1993

Hearing date:

Temporary - May 27, 1993

Permanent - September 22, 1993

Date of Adoption of Agency:

Temporary - May 27, 1993

Permanent - September 22, 1993

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 93006
LCB R-049-93**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code Section 459.9718.

1. A description of how the public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 93006 was noticed seven (7) times: 4-20-93, 5-6-93, 5-17-93, and 5-19-93, 8-24-93, 9-8-93 and 9-16-93 in the Las Vegas Review Journal and the Reno Gazette Journal newspapers.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers as referenced in Item 1. No comments from the public were received. The Division also solicited comments from registered environmental professionals (approximately 300 individuals) in Nevada on petitions 93006 and 93007. A summary of comments received is attached. A copy of the summary may be obtained from the State Environmental Commission.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of reasons for adopting the regulation without change.

The regulatory changes were adopted without modification through the hearing process. All relevant public comments were noted resulting in no changes to the proposed regulations. The temporary regulations were adopted on May 27, 1993.

The permanent regulations were adopted at the SEC meeting on September 22, 1993 with no further public comment.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long term effects.

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- a. There are no adverse or beneficial economic effects on the public or regulated community.
- b. There are no immediate or long-term economic effects on the regulated community or the public.

5. The estimated cost to the agency for enforcement of the proposed regulation.

No additional costs to the agency are anticipated for enforcement of the proposed regulatory changes.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

There are no other state or government agency regulations which the proposed amendments duplicate.

**CODIFIED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION
LCB File No. R-049-93**

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 459.500

Section 1. NAC 459.9718 is hereby amended to read as follows:

459.9718 The provisions of NAC 459.970 to 459.9729, inclusive, do not apply to:

1. Services provided by an employee of a business or public agency relative to the hazardous waste management, release investigation or response or underground storage tank management responsibilities of his employer, exclusively, while acting in the course of that employment.

2. Services provided by an employee of a public agency with the responsibility of regulatory enforcement, emergency response, or protection of public health, welfare or the environment, while acting in the course of that employment.

3. Services provided by a person who is a transporter of hazardous waste are:

(a) Designated as the specific responsibility of the transporter of hazardous waste under the applicable state or federal regulations; and

(b) Necessary to perform the service of transportation of hazardous waste in accordance with the applicable state or federal regulations.

4. Services provided by a person under contract at a federal facility, while acting within the scope of that contract.

5. Services provided by a person that are requested by a state agency or political subdivision of the state if fees are not charged for those services.

6. Services provided by a public utility to its customers if incidental to the services ordinarily provided by the utility.

END OF PETITION 93006 (LCB R-049-93)